

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
1	BRS	L1	5	(cryptography same information\$ same policy).ab.	USPA T; US-P GPUB	2004/07/12 14:46	reviewed abstract
2	BRS	L2	2	(cryptography same information\$ same policy).ab.	USPA T	2004/07/12 14:47	
3	BRS	L3	146	(information\$ same policy).ab.	USPA T	2004/07/12 15:13	
4	BRS	L4	0	(information\$ same policy and node\$ and lan).ab.	USPA T	2004/07/12 14:48	
5	BRS	L5	11	(information\$ same policy same node\$).ab.	USPA T	2004/07/12 15:08	reviewed abstract and drawings
6	BRS	L6	1322	713/201.ccls.	USPA T	2004/07/12 15:08	
7	BRS	L7	60	(information\$ same policy same network).ab.	USPA T	2004/07/12 15:10	
8	BRS	L9	52	17 not 16	USPA T	2004/07/12 15:10	
9	BRS	L8	8	17 and 16	USPA T	2004/07/12 16:39	reviewed abstract and drawings
10	BRS	L10	3	(information\$ same policy same (migrat\$ or replicat\$)).ab.	USPA T	2004/07/12 15:24	reviewed abstract
11	BRS	L11	3806	709/224,225,219.ccls.	USPA T	2004/07/12 17:05	
12	BRS	L12	0	l11 and (information same policy same (migration or replication)).ab.	USPA T	2004/07/12 15:28	
13	BRS	L13	0	l11 and (information same policy same migration).ab.	USPA T	2004/07/12 15:28	
14	BRS	L15	75077	l11 and (information same policy).ab. and migrat\$ or replicat\$	USPA T	2004/07/12 15:30	
15	BRS	L16	75076	l15 and migration or replicat\$	USPA T	2004/07/12 15:30	

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
16	BRS	L14	28	l11 and (information same policy).ab.	USPA T	2004/07/12 15:44	reviewed abstract and drawings
17	BRS	L17	5	l11 and (information same policy).ab. and deploy\$	USPA T	2004/07/12 15:44	reviewed abstract and drawings
18	BRS	L19	173943	l11 and (information same policy).ab. and distribut\$ or migrat\$ or replicat\$	USPA T	2004/07/12 15:45	
19	BRS	L20	1	l11 and (information same policy).ab. and distribut\$ and migrat\$ and replicat\$	USPA T	2004/07/12 15:49	reviewed abstract and drawings
20	BRS	L21	1	l11 and (information same policy).ab. and (distribut\$ or deploy) and migrat\$ and replicat\$	USPA T	2004/07/12 15:50	
21	BRS	L22	1	l11 and (information same policy).ab. and (distribut\$ or deploy\$) and migrat\$ and replicat\$	USPA T	2004/07/12 15:50	
22	BRS	L18	25	l11 and (information same policy).ab. and distribut\$	USPA T	2004/07/12 16:32	reviewed abstract and drawings
23	BRS	L23	6	l11 and (information same policy).ab. and distribut\$ and replicat\$	USPA T	2004/07/12 16:32	reviewed abstract and drawings
24	BRS	L24	0	(dynamic same resource same information same policy).ab.	USPA T	2004/07/12 16:40	

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
25	BRS	L25	11	(dynamic same information same policy).ab.	USPAT	2004/07/12 16:48	reviewed abstract and drawings
26	BRS	L26	13	((dynamic or static) same information same policy).ab.	USPAT	2004/07/12 16:49	reviewed abstract and drawings
27	BRS	L27	0	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$ same connect\$)	USPAT	2004/07/12 16:51	
28	BRS	L28	1	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$)	USPAT	2004/07/12 17:01	reviewed abstract and drawings
29	BRS	L29	0	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and topology	USPAT	2004/07/12 17:00	
30	BRS	L30	0	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and replicat\$	USPAT	2004/07/12 17:01	
31	BRS	L31	1	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and distribut\$	USPAT	2004/07/12 17:02	reviewed abstract and drawings
32	BRS	L32	4	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and distribut\$ or daploy\$	USPAT	2004/07/12 17:03	reviewed abstract and drawings
33	BRS	L33	55236	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and distribut\$ or deploy\$	USPAT	2004/07/12 17:03	

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
34	BRS	L34	1	((dynamic or static) same information same policy).ab. and (arrang\$ same node\$) and distribut\$	USPA T	2004/07/12 17:03	reviewed abstract and drawings
35	BRS	L35	4123	709/224,225,219,239.cls.	USPA T	2004/07/12 17:05	
36	BRS	L36	236	709/224,225,219,239.cls. and (information same policy)	USPA T	2004/07/12 17:07	
37	BRS	L37	208	136 and (distribut\$ or deploy\$)	USPA T	2004/07/12 17:06	
38	BRS	L38	7	709/224,225,219,239.cls. and (information same policy and dynamic).ab.	USPA T	2004/07/12 17:08	reviewed abstract and drawings

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discrimination is advantageously performed if a location having a large entropy decrease is present in the center. Therefore, weighting is so performed for equation (4), e.g., an entropy decrease at the position of a specific base sequence is integrated to equation (4). This allows more accurate evaluation of prove candidate quality.”

Therefore, the above amendments are considered NEW MATTER.

### **Claims Rejected Under 35 U.S.C. § 112 2<sup>nd</sup> Paragraph**

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 46-48 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### *VAGUE AND INDEFINITE*

Claim 7 recites the limitation “the evaluation step comprises introducing an evaluation function which gives a larger weight to a change in the entropy at the center of a partial base sequence corresponding to the desired node” which is confusing. The evaluation step of claim 1 (amended and from which claims 6 & 7 depend) recites:

“an evaluation step of evaluating the extracted partial base sequence based on a predetermined evaluation criteria and obtaining an evaluation result thereof”

Claim 6 (from which claim 7 depends) provides:

“the evaluation step comprises calculating entropy of each node present on the path on the basis of the number of times of appearance, in the target, of a partial base sequence corresponding to the node, and performing evaluation on the basis of a decrease of the calculated entropy”

However, the language “introducing an evaluation function which gives a larger weight” implies other functions for giving smaller weight or for subtracting weight; such functions are absent.

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Additionally, the language “larger weight” implies a range of values/criteria that defines said larger weight as compared to a smaller weight, no weight, and/or subtracting weight. Further, no desired node is identified in any of the previous claims such that one may give “a larger weight to a change in the entropy...corresponding to the desired node”. Clarification of the metes and bounds, via clearer claim language, is requested.

Claims 46-48 recite the limitations “apparatus for realizing”/“allowing a computer to realize” which is vague and indefinite. Applicant submits “claims 46-48 have been amended for consistency with claim 1, from which they depend”. However, the language “realizing”/“realize” remains unclear, wherein the manner in which the apparatus realizes and the manner in which a program allows a computer to realize the probe is not further defined or provided for. If it is Applicant’s intent that such “realization” is conducted by some executable code; the claims are not representative of such intent. Clarification of the metes and bounds, via clearer claim language, is requested.

*INFORMATION DISCLOSURE STATEMENT*

The references cited in the ‘Information Disclosure Statement’ submitted 20 April 2004 appear to be duplicate references cited in the ‘Information Disclosure Statement’ submitted 22 March 2004, and have been lined through respectively.

**No Claims Are Allowed.**

*ACTION IS FINAL AS NECESSITATED BY AMENDMENT*

Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*EXAMINER INFORMATION*

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Channing S. Mahatan whose telephone number is (571) 272-0717. The Examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify Applicants of the resolution of the problem within 5-7 business days. Applicant can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables Applicant to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Date:

July 13, 2004

Examiner Initials:

CSM

*Marianne P. Allen*  
MARIANNE P. ALLEN  
PRIMARY EXAMINER

AC11631

7/20/04